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Held at Headquarters, New York, on Monday, 25 November 2002, at 3.30 p.m.

Chairman: Mr. Wenaweser ..... (Liechtenstein)

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The meeting was called to order at 4.30 p.m.

Agenda item 107: Elimination of racism and racial discrimination (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/57/L.34/Rev.1 and A/57/443)

Draft resolution A/C.3/57/L.34/Rev.1: Fight against racism, racial discrimination, xenophobia and related intolerance and comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

1. **The Chairman** stated that document A/C.3/57/L.34/Rev.1 was not yet ready.

The meeting was suspended at 4.35 p.m.

The meeting resumed at 5.45 p.m.

2. **Mr. de Barros** (Secretary of the Committee), pursuant to rule 153 of the General Assembly rules of procedures, read out the following statement:

"(a) In operative subparagraph 19(a) of draft resolution A/C.3/57/L.34, the Assembly recommends that the Intergovernmental Working Group established pursuant to paragraph 7 of Commission on Human Rights resolution 2002/68, adopted on 25 April 2002, convene its inaugural session before the fifty-ninth session of the Commission and should, thereafter, convene annual intersessional meetings aimed at the accomplishment of its mandate;

(b) The Commission on Human Rights was informed of the programme budget implications of the establishment of an Intergovernmental Working Group and the convening of its inaugural session before the fifty-ninth session of the Commission. The text of the oral statement made to the Commission appears in document E/2002/L.24, which was also communicated to the Economic and Social Council at its substantive session of July 2002. That document notes that (a) the necessary conference servicing requirements could be absorbed if the Intergovernmental Working Group could meet from 2 to 13 December 2002; (b) the Office of the High Commissioner had verified that the Working Group would meet on those dates; and (c) no additional resources would be required if the inaugural session of the Intergovernmental Working Group were held from 2 to 13 December 2002;

(c) The recommendation relating to annual intersessional meetings is something new. Upon further review of the calendar of conferences and meetings for the biennium 2002-2003, it has been determined that conference servicing requirements could be absorbed if the Intergovernmental Working Group could meet from 18 to 29 August 2003. The Office of the High Commissioner has verified that it had been decided that the intersessional meeting of the Intergovernmental Working Group would be held on those dates. Under those conditions, no additional resources would be required for the meeting in question."

3. **The Chairman** announced that A/C.3/57/L.34/Rev.1, which had just been distributed to the delegations, would be published in the other official languages after its adoption.

4. **Ms. Kislinger** (Venezuela), speaking on behalf of the Group of 77 and China, said that the definite article "the" should be added before the words "fight" and "comprehensive" in the English title of the draft resolution, which should thus be "The fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action." She thanked the delegations that had participated in the negotiations leading up to the formulation of the final version of the draft resolution, emphasizing in particular the efforts by the States Members of the European Union to arrive at a draft text that would be acceptable to all delegations. The Group of 77 and China were pleased with the outcome, and hoped that future draft resolutions on racism would be developed in the same spirit of cooperation and that the text in question would be adopted by consensus.

5. **The Chairman** said that a recorded vote on the draft resolution, as revised, had been requested.

6. **Mr. Jacob** (Israel) said that his delegation fully supported action by the international community aimed at eliminating racism, racial discrimination and related intolerance. Israel would continue to strive to that end, regardless of the decision taken on the draft resolution before the Committee. It was precisely because of his delegation's opposition to racism that it could not support the outcome of the Durban Conference, which had trampled underfoot the very values that it should

have been defending and the very objectives that it had been convened to pursue. His delegation was thus unable to join the consensus and would vote against the draft resolution.

7. Similarly, if a vote had been taken paragraph by paragraph, his delegation would not have joined the consensus on any paragraph aimed at basing the international community's action against racism on the outcome of a conference that had constituted a step backward. The Durban Conference had been an affront, not only to Israel and to the Jewish people, but to anyone who cherished the true aims of international efforts to eliminate racism. Some delegations and non-governmental organizations had diverted the Durban Conference from its true objective in order to isolate and attack the State of Israel, and consequently the delegations of Israel and the United States of America had been compelled to withdraw.

8. It was regrettable that some delegations had attempted, right up to the last minute, to eliminate any reference to anti-Semitism from the final version of the draft resolution, in view of the fact that attacks against Jews and Jewish institutions were on the rise throughout the world. It was also deplorable that in the course of the negotiations leading up to the formulation of the revised version of the draft resolution, some delegations had used the inclusion of a reference to anti-Semitism as a bargaining chip.

9. **Ms. Ndhlovu** (South Africa) said that the Durban Declaration and Programme of Action were of the utmost importance, and States should commit to implementing the principles set forth therein at the national level, in cooperation with non-governmental agencies. Thanks were due to the Group of 77 and China for leading the negotiations on such a difficult draft text. It was unfortunate that some delegations were using some minor incidents that had occurred offstage at the NGO Forum to discredit the Conference as a whole, even though the Forum's outcome document had been rejected by the Commission on Human Rights and had never been published as an official United Nations document.

10. **Mr. Fox** (United States of America), speaking in explanation of vote before the voting, reaffirmed his Government's determination to combat racism, racial discrimination, xenophobia and related intolerance, including anti-semitism. A civilized society had to defend itself against that phenomenon and against any ideology aimed at denigrating a particular group and leading to hatred, exclusion and violence. His delegation was pleased that the draft resolution included a reference to anti-Semitism, but disappointed that it did not specifically mention anti-Semitism as a contemporary form of racism and, as such, within the mandate of the Special Rapporteur on that issue, who should concern himself with acts of anti-Semitism in carrying out his mandate.

11. The United States had withdrawn from the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, and consequently had not endorsed the adoption of the Durban Declaration and Programme of Action. The original objective of the Conference had been cast aside: the participants had focused, inappropriately and unacceptably, on one specific national situation. Furthermore, the Conference had been held against a background of demonstrations of hatred and intolerance in the streets of Durban, the worst that the world had seen in decades.

12. In addition, in some paragraphs of the draft resolution, the General Assembly would be endorsing, reaffirming or commending mechanisms and mandates to which his delegation had expressed objections at the time of the adoption of General Assembly resolution 56/266 and Commission on Human Rights resolution 2001/5. His delegation maintained its objections to the adoption of those mechanisms by the Third Committee.

13. The decision to take three resolutions that had been adopted in 2001, two of them by consensus, and merge them into a single resolution was regrettable. His delegation's views had not been taken into consideration, and consequently it would vote against adoption of the draft resolution.

14. Once again, his delegation was firmly committed to the original objectives of the Conference, namely the elimination of racism, racial discrimination, xenophobia and related intolerance. But its position was clear: the international community's efforts must never again deviate to the smallest degree from its original goals and objectives.

15. **Ms. Eskjær** (Denmark), speaking on behalf of the European Union, said that the States Members of the Union were determined to implement the Durban Declaration and Programme of Action and had already taken measures to that end at the international and regional levels. The programme aimed at combating

discrimination which had been put together in Durban, thanks to tireless efforts by all parties, should now be implemented in the same spirit of consensus that had been maintained by the European Union throughout the difficult process that had resulted in the revised draft resolution. It was unfortunate that the text, which represented the most broadly based consensus that the world's States had been able to achieve, could not be adopted by consensus. It was greatly to be hoped that matters would be different in the future. The States Members of the European Union would vote in favour of the draft resolution, as revised.

16. **Mr. Laurin** (Canada) recalled that his delegation had totally dissociated itself from any direct or indirect reference to the Middle East in the Durban Declaration and Programme of Action. Similarly, it dissociated itself from any wording that might be interpreted as confirmation of the implementation of the conclusions of the Durban Conference. It was, however, quite prepared to implement the various promising measures outlined in those documents (recognition of the unique situation of aboriginal groups, strong interest in the concept of multiple discrimination, the role of education, young people, the media, the Internet and globalization).

17. The mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance ought to have been mentioned in operative paragraph 50 of the revised draft resolution. In particular, the text should have stated explicitly that the Special Rapporteur's duties included looking into incidents that constituted contemporary forms of racism, racial discrimination, all types of discrimination directed against Blacks, Arabs and Muslims, xenophobia, anti-Black feeling, anti-Semitism and related intolerance. Despite his delegation's unbroken, long-standing commitment to the effort to eliminate racism, it would therefore abstain when the draft resolution was put to the vote.

18. **Mr. Choy** (Australia) said that it was unfortunate that the efforts of all concerned to reach practical, constructive conclusions following the Durban Conference should have been thwarted by an adversarial political debate. His delegation had expressed serious reservations about those conclusions at the time, and could not support a draft resolution that accepted the outcomes of the Durham Conference without reservation and called for their comprehensive implementation. There were also grounds for concern about the manoeuvring room that would be available to prospective mechanisms established to follow up the implementation of the outcomes of the Durban Conference. His delegation was well aware of the importance of a number of the conclusions and recommendations contained in the Durban Declaration and Programme of Actio:, but firmly maintained its position that any prospective follow-up mechanism should comply strictly with the consensual aspects that had been agreed at the Conference, without overstepping that framework. It would therefore abstain from voting.

19. *A recorded vote was taken.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cap Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Dominican Republic, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Ghana, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Iceland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malawi, Maldives, Mali, Malta, Mauritius, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Sri Lanka, Sweden, Switzerland, Suriname, Swaziland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo,

Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada, Marshall Islands.

20. *Draft resolution A/C.3/57/L.34/Rev.1 was adopted by 153 votes to 2, with 3 abstentions.*

21. **Mr. Ndiaye** (Senegal), speaking in explanation of vote, said that it was regrettable that a resolution against racism should have had to be the subject of a vote by the community of nations. His delegation had striven from the outset to ensure that the draft resolution would mobilize a broad consensus including, in particular, the European Union, which had endorsed the Durban Declaration and Programme of Action. That consensus should be preserved, and consequently it was important not to establish controversial implementation and follow-up machinery, as in that case, if resolutions on follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance were put to the vote, dissenting countries would not implement them. The question of racism could not be viewed exclusively in terms of North versus South or Black versus White divisions. Policies of exclusion and the phenomena of intolerance or segregation based on skin colour, country of origin, ethnicity or religious conviction should be condemned and combated with equal vigour everywhere and under all circumstances. The effort was of critical importance at a time when armed conflicts, unleashed or sustained by ethnic or religious intolerance, were breaking out in some regions of the world.

22. His delegation, as a member of the Group of 77, had voted in favour of the draft resolution in the hope that compromises would be sought and found so that a consensus would emerge at the coming session of the Commission on Human Rights, and also at the fifty-eighth session of the General Assembly.

23. **The Chairman** suggested that the Committee should take note of the document entitled "Comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance" (A/57/443).

24. *It was so decided.*

25. **The Chairman** announced that the Committee had concluded its consideration of agenda item 107.

Agenda item 12: Report of the Economic and Social Council (A/C.3/57/L.75)

26. **Mr. de Barros** (Secretary of the Committee) introduced draft resolution A/C.3/57/L.75, briefly reviewed its contents, and informed the Committee that there were a number of corrections that should be made to the text, having regard to the Committee's work. On page 5, after "International Year of Volunteers (2005)" the symbol A/57/L.8 should be added; on page 10, the words "Award of human rights prizes" should be followed by (2007) instead of (2003); on page 14, under item 9, the following documents should be added: "Report of the High Commissioner for Refugees (General Assembly resolution 52/104 and A/C.3/57/L.79, para. 13)", "Report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/C.3/57/L.73, para. 35)" and "Note by the Secretary-General transmitting the report of the High Commissioner for Refugees regarding the strengthening of the capacity of the Office of the High Commissioner to carry out its mandate (A/C.3/57/L.78, para. 3)"; on page 15, the documentation should be amended in the light of the revised version of document A/C.3/57/L.34, the text of which had just been adopted; on page 17, under item 14(b), "Note by the Secretary-General transmitting the full report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/C.3/357, p. 6, para. 15)" should be added; under item 14(c), after the second report, "Report updates by the Special Rapporteur on the situation of human rights in Afghanistan (A/C.3/57/L.71, para. 25)" should be added; also under item 14(c), on page 18, under the heading *Questions for consideration for which no advance documentation has been requested*, the symbol of the document relating to the situation of human rights in the Sudan should read "A/C.3/57/L.43/Rev.1, para. 7"; lastly, on page 19, under item 9, "Report on the progress made concerning the promotion of a new international humanitarian order (A/C.3/57/L.74, para. 8)" should be added.

27. **The Chairman** said that he would take it that the Committee wished to adopt the draft biennial programme of work for 2003-2004 contained in document A/C.3/57/L.75, as orally revised.

28. *It was so decided.*

29. *Document A/C.3/57/L.75, as orally amended was adopted without a vote.*

30. **The Chairman** suggested that the Committee should adopt a draft decision taking note of the report of the Economic and Social Council contained in document A/57/3, in particular chapters I, III, IV, V, VII, sections A, B, C and I, and chapter IX thereof.

31. *The draft decision was adopted.*

32. **The Chairman** announced that the Committee had concluded its consideration of agenda item 12.

Conclusion of the work of the Third Committee

33. **The Chairman** thanked the delegations for their cooperation and expressed his gratitude to the members of the Bureau and the staff of the Secretariat. The efforts of all concerned to promote dialogue and transparency were gratifying. Granted that it was frequently difficult to reach a consensus, it was none the less important to be more careful about keeping to time limits; the Committee could not spend several hours considering a single draft resolution. The cost of a meeting was approximately 23,440 dollars.

34. **Ms. Elisha** (Benin) said that her delegation found it regrettable that, once again, it had been necessary to vote on some resolutions, including in particular the resolutions on globalization, the right to development and the right to food. Globalization had both positive and negative impacts, and it was for the community of developing countries to take up the challenge and persuade their development partners that poverty was not something inevitable, but a structural phenomenon related to the economic conditions that characterized the contemporary world. It was to be hoped that they would soon succeed in that endeavour.

35. After an exchange of courtesies, in which **Ms. G. Mariam** (Ethiopia), speaking on behalf of the Third Committee's African Group of Experts, **Mr. Hahn** (Denmark), speaking on behalf of the European Union, **Mr. Zeidan** (Lebanon), speaking on behalf of the Group of Arab States, **Ms. Molaroni** (San Marino), speaking on behalf of the Group of Western European and other States, **Mr. Laurin** (Canada), speaking on behalf of the JUSCANZ (Japan, United States of America, Canada and New Zealand) Group, **Mr. Aguzzi-Durán** (Venezuela), speaking on behalf of the Group of 77, **Ms. Ayuso** (Argentina), speaking on behalf of the Latin American delegations, **Mr. Sinaga** (Indonesia), speaking on behalf of the Group of Asian States, **Mr. Francis** (Jamaica), speaking on behalf of the Caribbean Community (CARICOM), **Ms. Loemban Tobing-Klein** (Suriname) and **Ms. Kadare** (Albania), speaking on behalf of the Group of Eastern European States, took part, **the Chairman** declared that the Third Committee had completed its work for the fifty-seventh session.

The meeting rose at 6.55 p.m.